

### REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1-4 and 6-9 will be pending. By this amendment, claim 5 has been canceled; and claims 1-3 and 6-9 have been amended. No new matter has been added.

#### § 103 Rejection of Claims 1-9

In Section 3 of the Office Action, claims 1-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ginter *et al.* (U.S. Patent Application No. 2003/0163431; hereinafter referred to as “Ginter”). Claims 1-3 and 6-9 have been amended to address the rejection.

In the Background section of the Specification, it was disclosed that “key code information contains content usage right information that sets the range (or limits) within which the contents can be utilized (content usage rights). The user may utilize the contents within the range of the content rights. The contents therefore cannot be used unless the user has acquired the usage rights.” *Background of the Specification, page 1, line 23 to page 2, line 4.* “When usage of the contents is for example restricted by a count limit (number of times the contents can be used) by copyright protection technology, the user may unknowingly reach the count limit or time limit for which the contents can be used, causing the problem that the user is unable to utilize the contents when needed.” *Background of the Specification, page 3, lines 14-19.*

To address the above-described problems, embodiments of the present invention provide for managing the contents based on key code information containing content usage information

set within a range that the contents can be utilized to determine whether the contents are used within the range set by said content usage rights information.

For example, the steps of the contents control method in claim 1, as presented herein, include:

*“comparing* said content usage rights information with status code information showing the usage status of said contents;

*determining* whether the contents are used within the range set by said content usage rights information;

*comparing* said status code information with output setting information having a threshold value within the range of said contents usage rights information to warn by warning report data when in proximity to said contents usage rights in the case where said status code information is within the range of said contents usage rights information;

*sending* said warning report data to a report address using an electronic mail when said status code information nears the threshold value of said output setting information;

*disabling* use of the contents when said status code information exceeds the threshold value of said output setting information; and

*deleting* the contents after a period of elapsed time for deletion has elapsed.”

(emphasis added)

In summary, the contents control method of claim 1 comprises: comparing content usage rights information with status code information; determining whether the contents are used within the range; comparing the status code information with output setting information; sending the warning report data to a report address using an electronic mail when the status code information nears the threshold value; disabling use of the contents when the status code information exceeds the threshold value; and deleting the contents after a period of elapsed time for deletion. (see Specification, page 10, line 6 to page 11, line 15)

Ginter fails to teach or suggest comparing content usage rights information with status code information; determining whether the contents are used within the range; comparing the status code information with output setting information; sending the warning report data to a report address using an electronic mail when the status code information nears the threshold value; disabling use of the contents when the status code information exceeds the threshold value; and deleting the contents after a period of elapsed time for deletion. Further, the steps recited in claim 1 would not be obvious to a person of ordinary skill in the art at the time the invention was made.

Based on the foregoing discussion, claim 1 should allowable over Ginter. Since claims 2-4 and 6 depend from claim 1, claims 2-4 and 6 should also be allowable over Ginter. Since independent claims 7, 8, and 9 closely parallel, and include substantially similar limitations as recited in, independent claim 1, claims 7, 8, and 9 should also be allowable over Ginter. Claim 5 has been canceled.

Accordingly, it is submitted that the Examiner's rejection of claims 1-9 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

### Conclusion

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 1-4 and 6-9 are respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over

the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes that have been made to these claims were not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes were made simply for clarification and to round out the scope of protection to which Applicant is entitled.

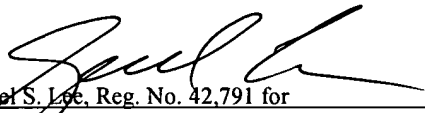
In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

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